

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JAMES HENRY GREEN,

Plaintiff,

vs.

GREG COX, et al.,

Defendants.

Case No. 3:09-cv-00206-ECR-VPC

MINUTES OF THE COURT

Date: October 21 , 2011

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

On September 1, 2011, the Magistrate Judge filed a Report and Recommendation (#49) that Plaintiff's claim with respect to disciplinary charges 227085 and 227964 be dismissed for failure to exhaust; and that summary judgment be granted in favor of Defendants with respect to disciplinary charge 119403.

Plaintiff filed objections (#53) to the Report and Recommendation. Defendants responded to Plaintiff's objections (#55). Plaintiff's objections to the Report and Recommendation do not provide a basis to overturn the Report and Recommendation of the Magistrate Judge

IT IS THEREFORE ORDERED that the Report and Recommendation (#49) is well taken and is APPROVED and ADOPTED.

1 IT IS THEREFORE ORDERED that Defendants' motion to dismiss (#21)  
2 Plaintiff's retaliation claims with respect to disciplinary charges 227085 and  
227964 for failure to exhaust is GRANTED.

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4 IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (#21) is  
5 DENIED as moot with respect to disciplinary charge 199403 for failure to state a  
claim in light of the grant of summary judgment in favor of Defendants on that  
claim.

6 IT IS FURTHER ORDERED that Defendants' motion for summary  
7 judgment (#21) with respect to disciplinary charge 199403 is GRANTED.

8 IT IS FURTHER ORDERED that Defendants' request for sanctions (#21)  
is DENIED. The Plaintiff's actions do not warrant sanctions.

9 IT IS FURTHER ORDERED that Plaintiff's request for an investigation  
10 by the U.S. Attorneys' Office is DENIED as moot in accordance with the  
recommendation of the Magistrate Judge.

11 IT IS FURTHER ORDERED that in light of the granting of summary  
12 judgment (#21) in favor of Defendants and granting of the motion to dismiss  
13 (#21) in favor of Defendants that Plaintiff's motion (#37) for temporary  
restraining order and motion (#38) for preliminary injunction are DENIED.

14 IT IS FURTHER ORDERED that the Clerk shall enter judgment  
accordingly.

15 LANCE S. WILSON, CLERK

16 By /s/  
17 Deputy Clerk  
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